

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Tracking # CSM-2022-08-17-Rickert Bros LLC

Tracking # CUP-2022-08-17-Rickert Bros LLC

Date: September 13, 2022

Plan Commission Member Attendees (5):

| | | | | | |
|---|---------------------------------|---|----------------------------|---|--------------------------------------|
| x | Jeremy Brenner, Chairperson | x | Jenna Borski, Secretary | x | Aaron Rickert, Town Board Liaison |
| x | Jeff White, Vice Chairperson | x | Dennis Yoder, Member | | |

Public Hearing – Application for Certified Survey Map (CSM) / Conditional Use Permit (CUP) for Non-farm Residence (NFR) – Applicant: Rickert Bros LLC (Jim & Greg Rickert)

Location/Description of Property: vacant parcel NE of northern intersection of Lincoln Rd & Town Hall Rd / T07-16-16-09-07-005-00

Parent parcel acres: 23.83 +/-

Current zoning: A-1

Proposed parcel acres: 3.005 +/-

Area of dedication acres: 0.427 +/- for Town Hall Rd

Proposal: create a 3.005 +/- acre Lot 1 for sale and construction of a NFR under CUP

Base Farm Tract (BFT) Acres: 545.7 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 519.714 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 25.986 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town’s Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: Greg Rickert (and Kieran Weed, prospective purchaser)

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published August 28, 2022 and September 4, 2022.

Presentation of application:

G. Rickert explained that this property was surveyed 18 years ago with the intention to create two small lots for sale and construction of homes but did not proceed with the preliminary CSM at the time. At present, they are proposing to create a single 3.005-acre lot in the same location and sell to Weeds, a friend of the family, for construction of a NFR. A percolation test was done in 2005 and was recently re-certified by the County. The perc test has been submitted to the State for a sanitary permit. Weed introduced himself, his family and shared his profession.

G. Rickert explained they may pursue a driveway easement with Weed for the South farm driveway but do have other access to the remnant farmland. The first NFR for this BFT was constructed on a 6.0 acre lot (N9177 Town Hall Rd) that included a wetland area just north of the adjacent residence (N9145 Town Hall Rd). This proposed lot is contiguous to these other residences. This location makes the most sense for the farm operation to split and sell as the location north of the first NFR is tiled and not preferred for a NFR. The elevation would also have to be increased to allow a basement. There are no other wetland areas that could be selected to split off this farm.

Questions of applicant from members of the public: none

September 13, 2022

Town of Eldorado Plan Commission
Public Hearing Minutes – Rickert Bros LLC (Jim & Greg Rickert)
Minor Land Division / Conditional Use Permit for a Non-farm Residence

Questions of applicant from Eldorado Plan Commission (EPC) members: none

Testimony in support of application (offered three times):

Charlie Becker, Jerry Isaac and Ben Isaac spoke in favor of the application.

Testimony in opposition of application (offered three times): Jeremy Magolski spoke in opposition of the application because he lives next door to the proposed lot and this is not an area for residential development per the Town's Comprehensive Plan (Future Land Use Map). Magolski recalls Rickerts stating during the first NFR that it would be the only one. Magolski referenced a public comment recorded during the Comprehensive Planning process regarding limiting residential redevelopment in the areas of farmland and believes Rickert's made this comment.

Rebuttal testimony by applicant: G. Rickert responded they did not make the referenced comment and they never said the first NFR was going to be the only one. This is not the last NFR allowed to them under the Comprehensive Plan. Brenner further explained to clarify the Comprehensive Plan, Future Land Use Map, BFTs and Zoning Regulations that allow NFRs.

Discussion by EPC: The CSM meets the frontage requirements for a NFR in A-1 district. The first NFR was 6.0 acres. Allowing this 3.005-acre lot is within the 25.986 max NFR acres allowed for this BFT. The perc test is valid per the County. Since the current property owner has other access to the landlocked remnant through their own farmland, the potential for a farm driveway easement should not be a condition of the approval.

Motions:

Motion made by Yoder/Brenner to recommend approval of the application for a CSM for the vacant land on Town Hall Road, parcel #T07-16-16-09-07-005-00, for creation of proposed Lot 1 of 3.005 +/- acres with 0.427 +/- acres dedicated to Town Hall Road, without rezone.

Borski, Brenner, A. Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Motion made by Yoder/Brenner to approve the application for a CUP for a NFR for a term of three years, until September 2025, on proposed Lot 1 of the proposed CSM (3.005 +/- acres from parcel #T07-16-16-09-07-005-00) contingent upon approval of the CSM application by the Town Board.

Borski, Brenner, A. Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the CSM application at the next scheduled Town Board meeting on September 26, 2022. If approved, the CSM will be signed by the Town Board.

The EPC will work with the Town Attorney to draft a CUP for a NFR. After professional service (e.g., attorney) fees are paid, the CUP can be signed by the EPC and applicant.

Brenner adjourned the hearing at 7:33 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission